

Via Fax: 914-390-4179

February 15, 2008

Hon. Stephen C. Robinson  
United States District Court  
Southern District of New York  
300 Quarropas Street, Room 633  
White Plains, New York 10601

**Re: *McCormick & Co., Inc. v. Kari-Out Club, LLC, t/a Kari-Out Co.;  
Perk Up, Inc. S/h/a Kari Out Club, LLC t/a Kari-Out Co.***  
**Case No.: 07-CV- 7244**  
**LJAA File No.: 114-1076**

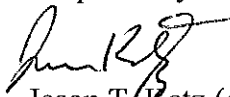
Dear Judge Robinson:

This law firm represents the Defendant/Third-Party Plaintiff, Perk Up, Inc, in the above referenced matter.

In connection therewith, we hereby submit for the Court's consideration a Stipulation executed by the parties amending the briefing schedule with respect to the Third-Party Defendant's motion to dismiss. The original briefing schedule called for opposition to be served on or before February 20, 2008, with reply to be served on or before March 5, 2008. The amendment affords the parties one extra week, with opposition now returnable on or before February 27, 2008, and reply on or before March 12, 2008.

Thank you for your consideration in this matter.

Respectfully submitted,



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Enclosure

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
McCORMICK & CO., INC.

Plaintiff,

07-CV-7244 (SCR)

## STIPULATION

-against-

KARL-OUT CLUB, LLC, v/a KARL-OUT CO.,

Defendant

-----X  
PERK UP, INC., s/h/a KARL-OUT CLUB, LLC,  
v/a KARL-OUT CO.,

Third Party Plaintiff,

-against-

SHAMBAUGH &amp; SON, LP,


Third Party Defendant.  
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IT IS HEREBY STIPULATED, AGREED by and between the undersigned attorneys for the respective parties herein, that the briefing schedule with respect to the Third-Party Defendant's motion to dismiss is amended as follows: that the time for opposition to the motion be extended one week, to February 27, 2008; and that Third-Party Defendant's Reply be extended by one week, to March 12, 2008.


IT IS FURTHER STIPULATED AND AGREED that a copy or facsimile of any signature(s) below shall have the same force and effect as an original.

Dated: Melville, New York  
February 15, 2008

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By: 

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SO ORDERED:

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